

REMARKS

Claims 1-7 were pending. Claim 3 has been canceled without prejudice. Claims 1 and 7 have been amended. Accordingly, claims 1, 2, and 4-7 are currently pending.

Claim 1 has been amended to incorporate the subject matter of claim 3.

Claim 7 have been amended to specify that the isothermal rings “are displayed” on a computer monitor.

The foregoing amendments should in no way be construed as acquiescence to any of the Examiner's rejections and were made solely to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s). No new matter has been added.

35 U.S.C. §112, Second Paragraph

Claim 7 is rejected as being indefinite. Specifically, the Examiner asserts that the phrase “may be seen” does not require that the isothermal rings “be definitely seen on the computer monitor.”

To expedite prosecution, claim 7 has been amended to specify that the isothermal rings “are displayed” on a computer monitor. Therefore, this rejection is moot.

35 U.S.C. §102(e)

Claims 1 and 2 are rejected as being anticipated by Schlagheck (U.S. 6,840,667). Applicant respectfully traverses. However, to expedite prosecution, independent claim 1 has been amended to incorporate the subject matter of claim 3, to which this rejection does not apply. Therefore, the rejection is moot.

35 U.S.C. §103(a)

Claims 3-7 are rejected as being unpatentable over Schlagheck in view of Douglas-Hamilton and Conia (2001) Journal of Biomedical Optics 6(2):205-213. The Examiner admits that Schlagheck does not disclose the limitations set forth in claims 3-7. However, the Examiner concludes that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to use the isothermal display and focal point temperature disclosed in Douglas-Hamilton with the device disclosed in Schlagheck for improved ZP dissection as disclosed in Douglas-Hamilton.”

In response, Applicant submits herewith a Declaration Pursuant to 37 C.F.R. §1.132 by inventor, D. H. Douglas-Hamilton, attesting to the fact that the work described in the cited reference (Douglas-Hamilton and Conia (2001) Journal of Biomedical Optics 6(2):205-213) published within one year of the priority date of the present invention, is Applicant's own work and, as such, is not available as prior art. In view of this Declaration, Applicant respectfully requests that the Examiner withdraw this rejection.

CONCLUSION

In view of the foregoing, allowance of the instant application with all pending claims is respectfully solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,

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